

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

ADDIE HERROD

PLAINTIFF

V.

CIVIL ACTION NO. 4;21-040-DMB-DAS

WAL-MART STORES EAST, LP

DEFENDANT

NOTICE OF REMOVAL

The Defendant Wal-Mart Stores East, LP hereby notices the removal of this civil action from the Circuit Court of Bolivar County, Mississippi, Second Judicial District, to the United States District Court for the Northern District of Mississippi, as authorized by § 1441, Title 28, United States Code, and would show unto the Court the following:

1.

On or about February 12, 2021, an action was commenced against Wal-Mart Stores East, LP in the Circuit Court of Bolivar County, Mississippi, Second Judicial District, entitled “*Addie Herrod v. Wal-Mart Stores East, LP*” and being Cause No. 2021-0007 on the docket of said Court. Process was served on CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, MS 39232 as the registered agent for Wal-Mart Stores East, LP, and said cause is now pending in said Court. A copy of the Complaint, along with all process, pleadings, and orders served upon Defendant in said action are attached hereto and constitute all process, pleadings and orders served upon Defendant in said cause. No further proceedings have been had therein.

2.

The above-described action is one of which this Court has original jurisdiction under the provisions of Title 28, U.S.C.A. § 1332, and is one which may be removed to this Court pursuant to the provisions of § 1441 of Title 28, in that it is a civil action, wherein the amount in controversy

exceeds the sum of \$75,000.00 exclusive of interest and costs, and there is a diversity of citizenship, Plaintiff and Defendant being citizens of different states.

3.

Plaintiff at the time this action was commenced was and still is a citizen of Grenada County, Mississippi. Defendant Wal-Mart Stores East, LP at the time this action was commenced was and still is a limited partnership organized under the laws of the State of Delaware with its principal place of business in the State of Arkansas. The sole general partner of Wal-Mart Stores East, LP is WSE Management, LLC. At the time this action was commenced WSE Management, LLC was and still is a Delaware limited liability company with its principal place of business in the State of Arkansas. The sole limited partner of Wal-Mart Stores East, LP is WSE Investment, LLC. At the time this action was commenced WSE Investment, LLC was and still is a Delaware limited liability company with its principal place of business in the State of Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. Wal-Mart Stores East, LLC is an Arkansas limited liability company with its principal place of business in the State of Arkansas. Walmart, Inc. is the parent corporation of the referenced entities and was at the time of filing of the Complaint and still is a corporation organized under the laws of the State of Delaware with its principal place of business in the State of Arkansas. Therefore, there is complete diversity of citizenship as Plaintiff is a resident of the State of Mississippi, and Defendant Wal-Mart Stores East, LP is a resident of the States of Delaware and Arkansas.

4.

Likewise, the above-described action is one of which this Court has original jurisdiction under the provisions of Title 28, U.S.C.A. § 1332, and is one which may be removed to this Court pursuant to the provisions of § 1441 of Title 28 of the , U.S.C.A., in that it is a civil action wherein

the amount in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs. In her Complaint, Plaintiff confirmed the amount of compensatory damages sought is \$100,000.00 and Plaintiff also seeks additional amounts for punitive damages as well.

5.

Defendant, promptly after the filing of this Notice of Removal, will give written notice of same to the adverse party by written notice of the attorney of record for Plaintiff, and will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Bolivar County, Mississippi, Second Judicial District, and effect the removal of this suit from State Court to this Court, to the end that said State Court shall proceed no further unless and until this suit is remanded.

THIS, the 29th day of March, 2021.

WALMART STORES EAST, LP

BY: /s/ Britt Virden
BRITT VIRDEN, MBN 10022
Counsel for Defendant

OF COUNSEL:

VIRDEN LAW FIRM, PLLC
143 N. Edison Street (38701)
Post Office Box 1871
Greenville, MS 38702-1871
Telephone: (662) 378-9466
Facsimile: (662) 378-2246
E-Mail: bvirden@virdenlawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on **March 29, 2021**, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to the parties set forth in the Electronic Mail Notice List as of the date hereof, including the following:

VIA E-MAIL: eturnage@etlawms.com

Ellis Turnage, Esq.

Turnage Law Office

P. O. Box 216

Cleveland, MS 38732-0216

Signed, this, the 29th day of March, 2021.

/s/ Britt Virden

BRITT VIRDEN